

PRODUCTIVE WORK ENVIRONMENT

Policy:

It is the policy of the Adjutant General's Department to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

Comment:

- (1) Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, color, national origin, sex, religion, disability, pregnancy, age, military status, or genetic information. Special attention should be paid to the prohibition of sexual harassment.
- (2) Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- (3) Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, nonsupervisory employees, or nonemployees, also is prohibited. This conduct includes:
 - (a) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
 - (b) Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
 - (c) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
 - (d) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
 - (e) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as e-mail, instant messaging, and Internet materials).

Any of the above conduct, or other offensive conduct, directed at individuals because of their race, color, sex, national origin, religion, disability, pregnancy, age, military status, or genetic information also is prohibited.
- (4) Any employee who believes that a supervisor's, manager's, other employee's, or nonemployee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint should be made to the employee's supervisor; or to the department head or Human Resources Manager if the complaint involves the supervisor or manager.
- (5) Complaints of harassment will be handled and investigated under the Adjutant General's Department's dispute resolution policy, unless special procedures are considered appropriate. All complaints of harassment will be investigated promptly and in as impartial and confidential a manner as possible. Employees are required to

Kansas Adjutant General's Department – State Human Resources Guidelines

2011

10/2011

POLICY

Ref: KS Civil Service Act 75-2925/75-2926 - KAR 1-9-18(a)- Title VII of the Civil Rights Act of 1964-TAG Policy #9, #10, #11, #18

cooperate in any investigation. A timely resolution of each complaint should be reached and communicated⁷ to the parties involved.

- (6) Any employee, supervisor, or manager who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination.¹⁰ The Adjutant General's Department prohibits any form of retaliation¹¹ against employees for bringing bona fide complaints or providing information about harassment
- (7) All Adjutant General's Department state employees are responsible for notifying the agency (worksite) representative of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, employees should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on agency premises, or is connected to agency employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threaten or were the focus of the threatening behavior. If the designated agency (worksite) representative is not available, employees should report the threat to their supervisor or another member of the management team.
- (8) All individuals who apply for, or obtain, a protective or restraining order which lists agency locations as being protected areas, must provide to the designated agency (worksite) representative a copy of the petition and declarations used to seek the order, copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.